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AUTHOR	Hiett, Joe H.
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ABSTRACT

Trends in student financial aid in the State of Florida since 1968 and the changing relationships between higher education and government in Florida are examined. The administration of student financial aid programs was centralized in 1969, and in 1970 the old incentive programs such as teacher and nursing scholarship were phased out, the Regents Scholarship program was phased out, the Florida Insured Student Loan program was expanded, and a new Florida Student Assistance Grant program was created. The change in federal policy in 1976 regarding federal guarantees of state direct loan programs resulted in the termination of the Florida Insured Student Loan program. The new Guaranteed Student Loan makes it possible for students to borrow directly from participating lenders. Students in the State University System may be eligible for other types of financial aid and benefits. Governance in Florida before and after 1968, and the roles of the Governor, the Legislature, and the Executive Branch in higher education are reviewed. The budget process, centralization of the State University system, and developments in both the public and private sectors are considered. (SW)

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GOVERNMENT AND HIGHER EDUCATION IN FLORIDA

Part One: State Supported Student Financial Aid

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Joe H. Hiett
October, 1978

This study was undertaken at the request of and with the financial support of the Sloan Commission on Government and Higher Education.

HE 012 429

STATE SUPPORTED FINANCIAL AID IN FLORIDA

Recent History

On November 5, 1968 the voters of Florida approved sweeping amendments to the Florida Constitution of 1885. One of the amendments which was approved (Article IV, Section 6) directed that "all of the functions of the Executive Departments 'shall be allocated among not more than twenty-five departments, exclusive of those specifically provided for or authorized by this constitution'."[1] This amendment and the subsequent Executive Reorganization Act of 1969 had many far reaching effects on public higher education in the state, and some of these will be discussed in other portions of this paper. It is appropriate, however, to mention reorganization at this time because one of the changes which resulted was the centralization of State supported financial aid.

Prior to 1969 a variety of aid programs had been administered by several agencies. With reorganization these programs were transferred to the Department of Education and placed under a Director of Scholarships and Loans. Included in the programs were:

Teacher scholarship loans

Scholarship loans up to $600 a year with a maximum total of $2,400 are available to resident students to attend 2-or 4-year public or private colleges. Scholarships

are awarded on the basis of a competitive examination. Recipients must agree to teach in Florida public schools for a year for each year assisted. Students unable to fulfill this teaching obligation must repay the loan at 5 percent interest.

Scholarship loans for teachers of exceptional children

Scholarship loans of up to $600 a year with a maximum total of $1,200 are available to resident students to attend 4-year public or private colleges. Scholarships are awarded on the basis of a competitive examination. Recipients must agree to teach exceptional children in Florida. Students unable to fulfill this teaching obligation must repay the loan at 5 percent interest.

Florida State nursing scholarships loans

Scholarship loans are available to nursing students at all levels to attend nursing schools and 2- and 4-year colleges. Awards are based on a competitive examination and amounts vary from $300 a year for study in practical nursing to $1,500 a year for study at the graduate level. Recipients must agree to practice in Florida. Nurses unable to fulfill this obligation must repay the scholarship-loan at 5 percent interest.

Regents scholarships

Scholarships of up to $1,200 a year with a total maximum of $4,800 are available to resident students to attend 2- or 4-year public or private colleges. High school students must rank among the top 10 percent on a statewide 12th-grade test. The amount of an award is based on student financial need.

Seminole Indian scholarships

Scholarships of up to $600 a year with a total maximum of $2,400 are available to Indian students who reside on Seminole Indian Reservations to attend 2- or 4-year public or private colleges. Awards are based on a competitive examination.

Florida student loans

Loans of up to $1,200 a year are available to students who have been Florida residents for 5 years. Loans are based on financial need and must be repaid within

5 years of graduation or termination of studies at 4 percent interest.

Other programs:
Educational assistance for the children of deceased veterans.

Financial assistance toward tuition and books, room and board.

Osteopathic and dental awards.

Financial assistance for State residents who agree to practice in Florida.

In 1968-69 these programs were funded at the following levels.

Teacher scholarship loans	$540,000
Scholarships loans for teachers of exceptional children	$ 25,000
Florida State nursing scholarship loans	$173,000
Regents scholarships	$327,281
Seminole Indian scholarships	$408,000
Florida student loans	$850,000

In addition to the centralization of the administration of Student Financial Aid Programs "the 1969 Florida Legislature authorized and directed both a broader role and responsibility for the Student Scholarship and Loan Council as well as a study of student financial aid in the State. Acting in response to their expanded charge, the Council approved a specific Plan for the Conduct of Studies and recommended that

the Florida Department of Education engage the College Entrance Examination Board under contract to perform the Studies. The contract was formally entered into on September 12, 1969.[4]

The report which was submitted in Febuary of 1970 made numerous policy and management recommendations. Perhaps the most significant recommendation was that Florida develop a comprehensive student assistance program in which awards would be based on need, eligibility be based on admission and aid be made available to Florida residents attending either the public or private colleges and universities of the state.

The legislature and the Department of Education acted to implement the recommended comprenensive policy and as a result phased out the old "incentive" programs such as teacher and nursing scholarship loans, phased out the Regents Scholarship program, expanded the Florida Insured Student Loan program and created a new Florida Student Assistance Grant program.

The Florida Insured Student Loan Program

The Florida Insured Student Loan Program was a direct loan program of state bond revenue funds. From a modest amount of $850,000 in 1968-69 the program grew rapidly, and in 1977-78 a total of $15,878,478 was allocated for these loans.[5]

Students receiving the loans in 1977-78 attended various

types of institutions in the State, and the total amount of the loans grouped according to the types of institution attended were:

State University System	$10,279,081
Public Community Colleges	$ 2,217,657
Public Vocational Schools	$ 460,208
Private Colleges	$ 2,430,331
Southern Regional Education Board "Compact" Colleges	$ 82,680
Proprietary Schools	$ 408,521 [6]

Florida Student Assistance Grants

In addition to the expansion of The Florida Insured Student Loan Fund a new grant program (in some ways replacing the Regents Scholarship program) was established and funded for the first time in 1972. This program, the Florida Student Assistance Grants, awards non-repayable grants ranging from $200 - $1200. To be elgible a student must be a Florida resident, demonstrate need, and originally it was necessary for the student to be enrolled or accepted as a full-time student at a Florida public community college or university or at a private college in the state which is accredited by the Southern Association of Colleges and Schools. In 1978 the elgible institution rule was changed to the following:

> Recipients of such grants must have been accepted at a state university or community college authorized by Florida law, a nursing diploma school approved by the Florida Board of Nursing, or any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation, or Florida institutions whose credits are acceptable for transfer to state universities.[7]

The awards are renewable for up to 12 quarters or 8 semesters provided a "C" average is maintained. Preference is given to continuing award applicants.

In 1972-73 336 awards were made for a total amount of $360,000. In 1977-78 8,182 awards were made for a total of $8,289,501.[8]

Several aspects of this program need to be highlighted. First, the private as well as the public sector institutions are considered eligible. Following is a summary of the type of institution which recipients of the grants have elected to attend. (See chart A).[9]

Second, the amount of the awards through 1977-78 have not varied greatly according to the type of institution. (See chart B)[10]

Third, two changes have been made in the program which benefit the private sector. In the past the awards were made on the basis of <u>absolute</u> need. Recently the program has been changed so that awards are made on the basis of <u>relative</u> need.[11] Relative need is calculated in terms of ability to pay versus the estimated cost of education including subsistence as well as tuition and required fees. The

cost of education budgets established by the Student Assistance Scholarship Commission for single resident students in the public community colleges is $3300. For students at the state universities the official estimated cost is $3650, and for students in the private colleges and universities the official estimates range from a low of $3697 to a high of $6794 for a single resident undergraduate student.[12]

Further, until 1978 awards were made for up to $1200 to meet educational expenses. In 1978 the program was changed, and the 1978-79 awards are for up to $1200 not to exceed the cost of tuition and required fees. The political/governance implications of these changes will be considered later, but it seems important to point out that while at this time the 1978-79 enrollments cannot be exactly calculated, the projection from the office of student scholarships and loans is that with these two changes 50% of the recipients will be students attending private institutions in the state; and they will be awarded 58% of the approximately $9,000,000 available.[13] Awards at the community colleges will be limited to $400; those at the state universities will be limited to $750.

A final point about the Florida Student Assistance Grants program is that this is the program in which the State Student Incentive Grant money is used. The present base year calls for the state of Florida to provide $600,000 to match the federal contribution of $1,900,000. Today Florida is pro-

viding more than $7,000,000. Therefore, it would not be to Florida's advantage to change the base year unless an increased obligation on the state was accompanied by an increased federal obligation to provide funds.[14]

Continuing Older Programs

Three of the small older financial aid programs of the state have been retained and are essentially unchanged. The Seminole-Miccosukee Indian Scholarships are available on a need basis to Florida Seminole and Miccosukee Indians. The awards are for $600 per year, and three were awarded in 1975-76 for a total of $1800.

The Scholarships for Children of Deceased and Disabled Vererans provide tuition and fees to children of deceased or disabled veterans who entered the service from Florida. In 1975-76 forty-two awards were made totaling $25,000.

The Confederate Memorial Scholarships of $150 each are made on a competitive basis to lineal descendents of Confederate soldiers or sailors. In 1975-76 27 awards were made totaling $4,000.[15]

Florida Guaranteed Student Loan Program

The change in federal policy in 1976 regarding federal guarantees of state direct loan programs made it advisable for the state of Florida to reconsider its direct loan program, and it was ultimately decided that the Florida Insured

Student Loan should be terminated. Consequently, the 1977 legislature established the Florida Student Financial Assistance Commission, charged it with the administration of the existing state financial aid programs and enabled it to provide a new Florida Guaranteed Student Loan Program.

The new Florida Guaranteed Student Loan follows the general lines of other state guaranteed programs. It makes it possible for qualified students to borrow directly from participating lenders (banks, savings and loan associations and credit unions) at 7% interest. Undergraduates may borrow as much as $2,500 per academic year up to a total of $7,500. Graduate students may borrow as much as $5,000 per academic year up to a total of $15,000. Students must show need, be enrolled at least half time or be accepted for enrollment in an eligible college, university, professional school, vocational, technical, trade or business school. The federal government pays the interest for students with adjusted family incomes of less than $25,000 and will also subsidize interest for those whose family incomes exceed $25,000 if need can be established.

Repayment of a Florida Guaranteed Student Loan begins from nine to twelve months after the borrower ceases to be at least a half time student. There is a required minimum payment of $30 per month, and the loan must be paid in full within ten years.[16]

Unlike other Florida student aid programs, a student receiving a Guaranteed Student Loan is not obligated to attend a Florida institution. None of the other programs is "portable."

It should be noted that the Florida Student Guaranteed Loan program is effective with the 1978-79 academic year, but as of September 6, 1978 only three banks in Florida have agreed to participate. The Southeast First National Bank of Miami made available ten million dollars for loans to students who had previously borrowed directly from the state as well as to new borrowers. Two other banks have agreed to lend to new borrowers.[17] Since almost sixteen million dollars were loaned directly by the state in 1977-78, it appears unlikely that the new guaranteed loan program will adequately replace the old program in 1978-79; but officials are confident that numerous other banks will become participants in the near future.

State University System Financial Aid Programs

In addition to the programs administered by the Florida Student Financial Aid Commission, students in the State University System may be eligible for other types of financial aid and benefits. Technically these programs are supported by state funds since the Board of Regents is a state agency, and all its resources are therefore state resources even though they are not necessarily appropriated from tax revenue.

Five such funds should be mentioned.

First, until 1977-78 a 35 cent per credit hour fee was charged to all state university students.[18] This money was deposited in the Student Financial Aid Trust Fund and used to help guarantee the Florida Insured Student Loan Program.* When this program was terminated, 8.6 million dollars remained in the trust fund; and this money has now been returned to the state universities and community colleges to be used for institutional student loans. The money was returned according to the ratio collected, and for two of the state universities the amount was quite sizable--more than one million dollars to the University of Florida and in excess of $900,000 to Florida State University.[19]

Second, a 29 cents per credit hour fee is charged to state university students as a student financial aid fee.[20] The money is remitted to the Board of Regents and then distributed to the institutions according to a formula which

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* It is interesting to note that students in the private sector were eligible to participate in this program as well as students in the public sector, but the program was partially guaranteed by a trust fund which was created with revenue from fees charged to the students in the public sector only.

takes into account the percentage of an institution's students whose family income is less than $9,999 per year.[21] The use of this formula means that those institutions with fewer low income students collect more fee money than is returned to them for aid while those --especially the historic black institution-receive considerably more than collected. The total amount collected by this fee for the four quarters beginning in March 1977 was $1,302,100.88.[22] The money was allocated to the institutions to be awarded on a need basis.

Third, a General Student Aid Fee of 41 cents per credit hour is charged to each student in the State University System.[23] This money is remitted to the Board of Regents and then re-allocated to the institutions with each institution receiving the full amount it collected. During the four quarters beginning in March 1977 the amount collected was $1,817,717.95.[24] The money was then allocated to the institutions to be used for loans, matching monies, scholarships and grants. An institution is not required to award this money on a need basis, and at least some is being awarded on the basis of high academic achievement.[25]

These three funds represent the closest relationship between tuition and fees that I have found in Florida. The General Student Aid Fee was specifically created to offset the effects of a tuition increase.

A fourth resource of the Board of Regents which is used as a form of financial aid is the waiver of tuition and fees.

Board policy states that

> "In the interest of the general welfare of Florida, and in order for Florida to contribute to the fulfillment of national and international obligations in education, the Board authorizes the presidents of the universities to waive the non-Florida tuition in cases falling within the following guidelines. Out-of-state tuition waivers should be used to attract non-Florida students who have skills or abilities which will contribute positively to the academic environment of faculty and students in the state universities."[26]

Students eligible for fee waivers include graduate assistants and fellows, students with special skills in art, music, drama or athletics, students with high academic ability and students in special programs such as foreign students, exchange students and honors students. During the four quarters beginning in March 1977 fee waivers were issued which had a total value of 3.5 million dollars.[27]

The fifth State University System resource for financial aid is the revenue received from Charity Racing Days. By law the several pari-mutuel racing and gaming establishments which are regulated by the Florida Department of Business Regulation, Division of Pari-Mutuel Wagering are allowed to designate certain days as charity racing days. The profit and tax from these special events are donated to various charities including some private colleges and universities of the state. Among the recipients is the Florida Board of Regents. In 1976-77 the Board received $599,706 from this source, and three of the institutions of the State University System received an additional total of $51,787 from other special days.[28]

The money received by the Board was distributed to the institutions for scholarships. The institutions then allocated $551,371 to athletic scholarships.[29] This concentration on athletics is compatible with the original purpose of the program. The remaining amount was used for NDSL matching and a variety of specialized scholarships.

Coordination

Two policies of the Florida Student Assistance Commission and the Department of Education indicate that federal, state and institutional programs are intended to be coordinated. Ultimately, of course, proper coordination depends on the financial aid packages which are developed for individual students by the institutional financial aid officers. The policies of the state, however, tend to make such coordination possible, and this appears to be the case in Florida.

First, beginning with the application for aid for the 1978-79 academic year, Florida joined with several other states in using a single financial aid form.[30] By completing this single form students will be applying for a Florida Student Assistance Grant as well as for all federal and institutional programs for which he is eligible. The form is processed and need analysis performed by either American College Testing or College Scholarship Service. Both the state office and the institutional financial aid office are notified of the need and federal eligibility.

Second, when the Florida Student Assistance Commission receives the magnetic tape showing need and federal eligibility of a student, it recommends to the stipulated institutional financial aid officer what appears to be an appropriate amount of state aid based on the state office knowledge of available resources and possibilities of state guaranteed loans. The institutional officer is invited to recommend a smaller amount of state aid if he has knowledge of institutional or other assistance for which the student is eligible.[31]

Again, it is apparent that only the institutional officer can insure coordination; but it appears that it is possible for him to do so in Florida.

Overawarding

Overawarding does not appear to be a serious issue in Florida. Before the most recent modification of the Florida Student Assistance Grant Program, there were those in the private sector who believed that awards within the $1200 maximum were over awards if they exceeded the cost of tuition and required fees. That practice is now prohibited as was mentioned in an earlier part of this report.

Tuition and Financial Aid

Tuition in the State University System has not been established on the basis of available financial aid, but rather on the simple principle of keeping tuition as low as possible.[32]

When tuition was last raised, a special charge per credit hour was included to be used for financial aid purposes. However, this appears to be the only way in which tuition and aid are related, except for the policy described earlier which prohibits Florida Student Assistance Grants from exceeding tuition and fees.

Conclusions and Speculations

The amount of financial aid available to Florida students has increased dramatically since 1968, but the future of continued increase is not very certain. The shift from a direct state loan program to a state program of guaranteed loans may or may not make more money available since these loans are dependent on the participation of banks and other lenders.

Further, the grant and loan program of the State University System is closely tied to enrollment since two of the programs are generated by the collection of per credit hour fees. Enrollment, of course, is not growing rapidly.

If SSIG funds increased and if the state matching monies were increased to allow for further expansion of the Florida Student Assistance Grants and if lenders begin to participate in the guaranteed loans program, then more money will be available. However, unless this happens, the increasing student educational costs (even if tuition remains constant) may create a serious situation of unmet need for those whose financial

aid packages have consisted of substantial amounts of state aid.

The changes in financial aid policy may mean that less financial aid from state programs will be available to low income students. Awarding Florida Student Assistance Grants on the basis of relative need and limiting the awards to the amount of tuition and fees not only shifts much of the money to the private sector, but may also shift much of it to students who are well above the "low income" category.

Further, some discussions with bankers and one interview with the very able president of a progressive bank in the state indicated that if many banks decide to participate in the guaranteed loan program, they will use the program primarily to make loans to students who are the children of their customers. While they will make some loans to low income students, most will go to families who would be given loans even if no federal or state guarantee existed.

Since proceeds from the General Student Aid Fee of the Board of Regents can be used on either a need or a no-need basis, some institutions of the system may begin to use more and more of it to attract high academic achievers without regard for income level.

The private sector may turn to increased State supported financial aid as the most feasible method of gaining state support for private higher education. The association of

Independent Colleges and Universities of Florida (ICUF) was instrumental in establishing the Florida Students Assistance Grant program, and they were also instrumental in modifying that program. The role of ICUF will be discussed in the governance section of the report, but it seems appropriate to report here that they plan a major state-wide conference in the fall of 1978 which is widely seen as the kick-off for an intensive lobbying effort to increase state support for private colleges. Their success with the student assistance grants may cause them to focus their efforts on increased financial aid.

CHART A

	Total Awards	Recipients Attending Private Schools	Recipients Attending Community Colleges	Recipients Attending State University System
1972 - 73	336	170	53	113
1973 - 74	3166	1212	212	1742
1974 - 75	4436	1231	675	2530
1975 - 76	4462	1684	445	2333
1976 - 77	7388	2740	442	4206
1977 - 78	8132	2723	599	4860

CHART B

	Average Award Community College	Average Award Private School	Average Award State University System
1972 - 73	$ 955	$1140	$ 891
1973 - 74	$ 883	$1090	$ 992
1974 - 75	$ 975	$1130	$1086
1975 - 76	$ 865	$1150	$1082
1976 - 77	$1013	$1099	$1014
1977 - 78	$1134	$1173	$1151

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GOVERNMENT AND HIGHER EDUCATION IN FLORIDA

Part Two: Changing Relationships

Joe H. Hiett
October, 1978

This study was undertaken at the request of and with the financial support of the Sloan Commission on Government and Higher Education.

THE CHANGING RELATIONSHIPS OF GOVERNMENT AND HIGHER EDUCATION IN FLORIDA

Section "A" : The Private Sector

There are 100 independent colleges and universities in Florida, 17 of which are accredited by the Southern Association of Colleges and Schools.[1] This report will be confined to an examination of the relationship of the accredited institutions to state government and will not consider those institutions not accredited by the Southern Association. (This limitation is the result of time limitation and should not be interpreted to mean that the excluded institutions are not of importance to the higher education of Florida.)

The 17 colleges and universities accredited by the Southern Association are organized into an incorporated association called Independent Colleges and Universities of Florida (ICUF). These ICUF institutions are as follows:

Barry college, Miami
Bethune-Cookman College, Daytona Beach
Biscayne College, Miami
Eckerd College, St. Petersburg
Embry-Riddle Aeronautical University, Daytona Beach
Flagler College, St. Augustine
Florida Southern College, Lakeland
Jacksonville University, Jacksonville
Nova University, Fort Lauderdale
Palm Beach Atlantic College, West Palm Beach
Rollins College, Winter Park
Saint Leo College, Saint Leo
Stetson University, DeLand
University of Miami, Coral Gables
University of Tampa, Tampa
Florida Institute of Technology, Lakeland
Florida Memorial College, Miami[2]

The institutions range in size from less than four hundred students to the University of Miami with eleven thousand full-time and almost seven thousand part-time students.[3] Their combined enrollment is over fifty seven thousand, and they have a total faculty of more than two thousand.[4]

Three important changes have taken place in the last few years that have had significant effects on the private sector of higher education in Florida. First, there has been a very large shift in the balance between public and private higher education. In 1955 forty percent of the students in Florida attended a private institution. In 1978 only sixteen percent attend private colleges.[5] The leadership of the private sector is convinced that this shift seriously handicapped the ability of private education to influence public policy; and they point out that they are not adequately represented on boards, commissions or planning councils.[6]

One president describes with great emotion the establisment of a new public institution in the same city with his college and maintains that neither he nor his board was ever contacted.... they simply continued to read newspaper accounts of the new public institution. When the new institution opened, its three principal programs duplicated three of the four principal programs at the older private institution; and the private institution suffered a 20% loss of enrollment which it has never recovered.[7]

The second principal change in the private sector is a direct result of the first. ICUF was organized in 1964,[8] but it was not politically active until very recently. Seeing the erosion of the private sector's ability to influence public policy, the group began to develop legislative programs and to lobby actively for legislation and policies that would benefit independent higher education. One of the early goals was to have the state establish the Florida Student Assistance Grants program described in part one of this report. They were not only successful in helping to establish the program, but were also able subsequently to modify it to their definite advantage so that in 1978 it is estimated that 50% of the awards and 58% of the money will go to students attending private institutions in the state.[9]

Further, in 1978 the legislature passed two bills which provide for expanded private participation in state programs. The first is probably significant only in principle since it transfers a modest amount of "surplus funds of the Florida Construction Industry Licensing Board.....to the Department of Education for distribution to certain private and state universities and community colleges for industry-related research and continuing education;"[10]. The second act provides for the establishment of a Data Bank on Older Floridians by the Florida Board of Regents but specifies that the Board is to contract with "one or more of the private or public institutions of higher education" to operate and maintain the data bank.[11]

Neither of these acts is of critical importance, but both show that the political activity of ICUF has created an awareness in the legislature of the importance of the private sector and the need to include it in state programs.

Florida has long contracted with the University of Miami to provide medical education and research, but this was the only type of contracting given serious consideration until very recently. In 1975 the legislature acted to enable the Board of Regents of the State University System to contract with accredited private institutions to provide programs and services. The action was widely hailed as a new era of cooperation by both educators and politicans. However, when the regulations were established by the Regents and the Board of Education, they required that participating institutions submit to a full audit and regular BOR program review. The first effort to contract was with Barry College for the provision of a program in social welfare that would eliminate duplication between Barry and her close neighbor Florida International University. As contract negotiations unfolded, the president of Barry began to object to the regulations and to see them as a threat to the autonomy of her institution. The other presidents of the ICUF institutions also objected, and no contract has yet been signed.[12] However, the vice-chancellor of the State University System has continued to try to modify interpretation of the regulations in ways that will be satis-

factory to all, and the Chancellor is confident enough of success that he has extended special invitations to the presidents of the private colleges to submit new proposals for contracting.[13]

The third change in the relationship of private higher education and state Government in Florida can be seen in the establishment of the State Board of Independent Colleges and Universities. Established by the legislature in 1971, the first thrust of the Board was that of consumer protection. ICUF leadership was active in advocating the creation of such a board and worked to frame it so that it would not infringe on the legitimate autonomy of institutions and would not become another accrediting board.[14]

The success of the Board as a consumer protection agent is demonstrated by the simple fact that since its inception 106 institutions have closed their doors either by voluntary action or by the action of the Board. The method used by the Board is as follows. An institution is chartered by the Secretary of State, but within 60 days it must apply to the State Board of Independent Colleges and Universities for a license to operate in Florida. The license is issued only after a thorough review reveals that the institution has the fiscal and academic capability to provide the consumer with the services advertised or promised.[15]

Since ICUF institutions are all regionally accredited,

they are exempt from licensure; but they are still perodically visited by the staff of the Board. Further, ICUF has found that the Board provides visibility for the private sector in the capital city and is therefore willing to cooperate with the Board not only because it provides consumer protection which they desire, but also because it provides them with yet another voice with which to influence policy and legislation.[16]

For the first several years of its existence, the State Board of Independent Colleges and Universities was, by necessity, preoccupied with cleaning up a rather messy degree mill environment. Since this has been substantially accomplished, the Board is increasingly turning its attention to policy considerations intended to enhance and preserve educational quality in the private sector.[17] Two very recent recommendations of the self-study committee of the Board demonstrate this trend. The first, which will no doubt delight ICUF, calls for the Board to seek an amendment to the legislation that created it. The proposed amendment would recognize the value of private higher education by incorporating into the statute the following:

> It is the intent of this legislature to encourage privately supported higher education and to protect the integrity of degrees and diplomas conferred by privately supported educational instiutions.
>
> The need of educational services is so great that it can be met only by the

> combined endeavors of the tax-supported and independent colleges and universities. The contribution of privately supported educational institutions to the preservation of our liberties is essential. These objectives can not be achieved except by protecting the integrity of degrees and diplomas issued by such institutions.[18]

A second recommendation, which is perhaps implicit in the first, may not be seen by all ICUF institutions as being desirable. It calls for a statutory amendment which would continue to allow certain types of institutions exemption from licensure but would not exempt them from compliance with the consumer protection regulations of the Board.[19]

One other current function of the Board which goes beyond the original consumer protection area is that the Board has established a data bank on private higher education in Florida which not only enables it to provide answers to specific inquiries but also is intended to be compatible with the public higher education data banks so that an adequate profile of the <u>total</u> higher education environment of the state will be available.[20]

The 1960's— 1970's have been a decade of considerable change for the private sector of higher education in Florida. The rapid expansion of the State University System and the Community College System drastically reduced the proportion of the student population attending the private institutions and, at least in the eyes of the leaders of the private sector, drastically reduced their ability to influence public policy.

The private sector responded by becoming much more active in the political arena and has made substantial gains in the area of student financial assistance and perhaps significant gains in principle, since the most recent sessions of the legislature have made specific efforts to recognize the existence and importance of the independent colleges and universities. Further, through the State Board of Independent Colleges and Universities the private institutions now have a visible presence in the halls of government which is working for their increased policy and statutory recognition.

Several problems remain, however, which have no apparent solution at this time. First, both the State University System and the Independent Colleges and Universities of Florida are already at work to obtain substantial gains from the 1979 legislature. The SUS bases its appeal on the need for quality, and ICUF is appealing on the basis of the need to provide choice and the need to save tax-monies by utilizing the private sector rather than expanding the public. This competetion may be harmful to both, and the private sector may be the most vulnerable because it is estimated that only 5%[21] of Florida resident students are in the private sector.

Second, the 1202 Commission in Florida is still largely a convening body.[22] They have held conferences and conducted studies; but given the complexities of the governance of higher education in this state, it seems unlikely that they

will be in any position in the near future to regulate the planning of either sector and thus avoid the costly duplication and competition which currently exists.

Finally, even though the capability for private institutions to contract with the state exists, and even though such contracts are generally heralded as desirable, there is yet no proof (except for the University of Miami contract) that the institutions will be willing to submit to procedures which will satisfy the accountability requirements of the state. The Chancellor and the Regents are making every effort to ccoperate; but as will be seen in the next section, public higher education in Florida has many masters; and it may not be possible for the private sector to capture the shekels and elude the shackles.

Section "B" : The Public Sector

Public higher education in Florida began on January 6, 1853 when the legislature acted to establish two seminaries and support them from tuition fees and the sale of lands granted by the U. S. Congress. The East Florida Seminary was located at Ocala (later moved to Gainesville) and the West Florida Seminary was established at Tallahassee.[23] Following the Civil War four other institutions were established, but it was not until 1887 that the legislature decided to appropriate state funds for their operation.[24] By the close of the nineteenth century, Florida had six institutions of public higher education. They were: The East Florida Seminary at Gainesville, The West Florida Seminary at Tallahassee, The University of Florida at Lake City, The Normal School at DeFuniak Springs, The Florida State Normal and Industrial College for Colored Students at Tallahassee, and The South Florida Military College at Bartow. The combined enrollment, however, was only 543 in 1898; and many of these students were actually in pre-college programs.[25]

An important comment on public higher education in Florida at the beginning of the twentieth century is offered by Charles William Dabney. He summarized the situation as follows,

> In her commendable effort to provide for higher education in the different parts of her widely extended territory

> Florida had made the mistake of trying to maintain too many institutions, more than her wealth and population would justify. . . . The state had tried to differentiate the work of these institutions from that of high schools and from each other but found it impossible. After this plan had been tried for some years, the leaders recognized that these institutions should be concentrated as well as differentiated.[26]

The Buckman Act

Recognizing this need for consolidation, the Florida legislature took action during the 1905 session. A bill introduced by M.H.H. Buckman was passed which included five provisions of great significance for public higher education in the State.[27]

First the Buckman Act abolished all of the existing white institutions.

Second, the Act created two new white institutions. "One University to be known as the University of the State of Florida, and one Female Seminary to be known as the Florida Female College."

Third, the Buckman Act created a state-wide governing board for higher education to be known as the Board of Control. This legislation gave the board jurisdiction over the two new white institutions and also placed the existing Colored Normal School and the existing Institution for the Blind, Deaf and Dumb under its supervision.

Fourth, the Act provided that the Board of Control was to be "under and subject to the control and supervision of the State Board of Education."

Finally, the Act provided that the Board of Control in joint session with the Board of Education should locate the new institutions.

In keeping with the directions of the Buckman Act, the members of the Board of Control and the members of the Board of Education toured Tallahassee, Lake City, Gainesville and St. Augustine in late June and early July of 1905. On July 5, 1905 the two boards met in joint session. At this meeting they located the University of the State of Florida at Gainesville and the Florida Female College at Tallahassee.[28]

Four years later, at the request of the Board of Control, the legislature changed the names of the institutions. The University of the State of Florida became the University of Florida; the Florida Female College became the Florida State College for Women and the Colored Normal School became the Florida Agricultural and Mechanical College for Negroes.[29]

The first World War and the great depression brought accompanying cut-backs and reverses; but, in general, the period from 1905-1940 was an era of sustained advancement for higher education in Florida.

The institutions achieved scholastic recognition and emerged as respected members of the higher education community. As early as 1918, the president of the Florida Agricultural

and Mechanical College had announced that his institution was ranked as one of the best Negro colleges in the country, and in 1924 the Florida State College for Women became the first college for women to be added to the approved list of the Association of American Colleges and Universities. The University of Florida was already on this list, and the Board of Control report for 1922-24 celebrated the fact that its institutions were among the great universities of the world.[30]

The University of Florida grew from an enrollment of 136 in 1905 to 3,299 in 1940. The state College for Women had 204 students in 1905 and 1,969 students in 1940, and the Florida A&M College increased from 280 students to 1,094 during the same period.[31]

The Second World War had a profound effect on public higher education in Florida, and the post war repercussions were of even greater significance. The immediate effect of the war was to alter the enrollment pattern of the institutions. The University civilian enrollment dropped from a high of 3,456 to a low of 700. The College, on the other hand, experienced an increase of over four hundred women students.[32]

In 1945 the legislature appropriated over four million dollars for expanding the facilities of the three institutions.[33] In 1947 it made both white institutions coeducational and changed the name of the College to The Florida State University.

In the post World War Two years all three institutions of higher education grew rapidly experiencing a 561% enrollment increase between 1930 and 1950--the highest in the nation.[34] Further, The University of Florida and Florida State University began to expand their roles as graduate and research institutions.

The Modern Era

The modern era of public higher education began with the election of LeRoy Collins as governor in 1954. Collins served as governor from January 1955 until January 1961, and it was during this time and with his active participation that the course for expansion and advancement was set. Allen Morris in THE FLORIDA HANDBOOK reports that even though Collins provided leadership in numerous areas, "His prime interest was education, and he worked to strengthen and modernize Florida's school system from the grade schools through the universities. He sponsored educational television, nuclear science, a broad community college program and university expansion and improvement. In the racial unrest of his time he took a moderate course, counselling progress under law; and the state experienced only minimal disorder. He served two terms as chairman of the Southern Regional Education Board."[35]

In 1954 the Board of Control commissioned a group of educational consultants (A. J. Brumbaugh, John Ivey, Earl

McGrath, Floyd Reeves and John Dale Russell) to study and recommend to the Board a plan for the development of a system of higher education which would provide access to quality education at the lowest possible cost.[36] The consultants, known as the Council for the Study of Higher Education in Florida, made an initial report in 1955 in which they recommended that a system of community colleges be established, additional senior degree granting institutions be opened, and the existing universities be expanded and strengthened.[37] With the active support of Governor Collins these recommendations were placed before the legislature. Initial endorsement was received, and the machinery for expansion was set in motion.[38]

In the years that followed, 23 new community colleges were opened in addition to the five which existed in 1955. New professional programs in many fields were added, including medicine, dentistry, veterinary medicine, and architecture.[39] Six new universities were opened, and branch campuses and off-campus centers were established in metropolitan areas. The six new universities and their opening dates are:

University of South Florida at Tampa in 1960
Florida Atlantic University at Boca Raton in 1964
University of West Florida at Pensacola in 1967
Florida Technological University at Orlando in 1968
Florida international University at Miami in 1972 [40]
University of North Florida at Jacksonville in 1972

In 1959 the universities had a total enrollment of 23,713 and by 1977 that enrollment had grown to 118,042.[41]

As the system began to expand, it became apparent that the old Board of Control with only seven members and a small

staff was not prepared to deal with the increasingly complex issues of governance; so the legislature acted to create a Board of Regents and a Chancellor for the State University System. The Board was officially organized in March of 1965 and continues to govern the system.[42] The Board was originally composed of nine members who serve staggered terms of nine years. The members are appointed by the governor and confirmed by the senate. In 1977 a non-voting student member was added to the Board to serve a one year term, and in 1978 the student member was given a vote.[43]

Governance Prior to 1968

The governance of higher education in Florida prior to 1968 is generally characterized as a system of "dual control." The 1885 Constitution gave full control of education at all levels to the State Board of Education. This Board, like many others in Florida, was actually the governor and the cabinet of the state. It included along with the governor, the secretary of state, the attorney general, the state treasurer and the state superintendent of public instruction.[44]

The Buckman Act of 1905, which established a single governing board for higher education, the Board of Control, specified that this body would be subject to the "supervision and control"[45] of the State Board of Education. Over the

years this system of "dual control" proved to be very troublesome to the governing board. In the aftermath of a controversy over the president of the University of Florida, the Board of Control called on the legislature to clarify the relationship of the two boards, but the legislature did not do so. This was the first of numerous requests and recommendations, but no action was taken for fifty years.[46]

The "supervision and control" exercised by the Board of Education extended into almost every area of governance. The Board of Education forced the resignation of one president, attempted to adjust the salaries of individual professors, rejected the Board of Control nominee for a president (even though the name of the nominee had been leaked to the press), and from time to time even injected itself into academic matters. For example, in 1921 it called for an end to the classical curriculum at The Florida Agricultural and Mechanical College and resolved that the College should institute a practical curriculum designed to meet the needs of the state.[47]

Finally in 1957 the relationship of the two boards was clarified, and the power of the Board of Education was somewhat lessened by a joint resolution. Under the agreement the Board of Education was confined to "those acts and requirements expressly provided by law" and to the review of the appointment of presidents, the location and naming of institutions and the review of broad policies such as admissions and types of programs and services.[48]

When the Board of Control was replaced by a Board of Regents, the legislation regarding the relationship of the regents to the Board of Education gave the Board of Education veto power over the appointment of regents and presidents, veto power over rules and regulations and then added "at all times exercise general supervision and control over the board of regents". The new Board of Regents was not content with this gain, however, and it called upon the legislature to review the action claiming that it could not govern effectively under such an arrangement. The 1967 legislature acted favorably and removed from the purview of the Board of Education the veto power over presidents and chancellors and struck the language regarding supervision and control. The right to review and veto rules and policies remained with the Board of Education, and it has continued to exercise this right.

The gains in autonomy which have been made by the Board of Regents are important, but it should not be forgotten that the Board of Regents remains a statutory board while the Board of Education continues to be a constitutional body and is still vested by the constitution with full control over all public education. At a later point in this paper the proposed constitutional status for the regents will be discussed.

The Budget Commission

In addition to the official dual control, another type of executive control existed until 1968. Prior to that time the Florida legislature met biennially and for only sixty days. The presidents of the institutions of higher education would lobby for the budget requests of their institutions; and after modification, the appropriation would be made by the legislature. It was never possible, however, to predict all possible needs two years in advance; and so the legislature delegated to the State Budget Commission the power to make interim adjustments to the budgets of state agencies. This was especially significant for public higher education because five of the seven members of the Budget Commission were the same five officers who composed the Board of Education.[49] Thus, the governor and the cabinet had general supervision of the fiscal affairs of higher education as well as supervision of policy and personnel.

A Board of Regents publication issued in 1975 describes one way in which this budget approach prohibited the Board of Control from exercising the full authority with which it was vested.

> University Presidents would lobby for desired funding while the legislature was in session and then seek needed modifications from the State Budget Commission. The process encouraged a direct interplay between university officials and state political leaders...At times the Board made a decision which might adversely

> affect a major university but that did not necessarily end the matter. The University president could use his well-developed avenues of access to the state's political leadership to seek reversal of the decision at a higher level.[50]

One example should be enough to show clearly the influence and power of the executive leadership of the state acting as the Budget Commission. As late as 1967 it was still necessary for a university to obtain the specific approval of the Budget Commission before it could pay a faculty member more than $15,000 per year--and requests were not automatically granted. The Commission once refused in the case of a distinguished nationally recognized scientist even though the request was presented not only by the institution, but also by the Chancellor on behalf of the regents.[51]

The Governor

The nine member Board of Regents is appointed by the governor as was the seven member Board of Control. This would seem to indicate that the governor would often act as yet a third type of executive control, but this has not often been the case in Florida. Governor Collins (1955-61) was actively involved in the affairs of education, but as an advocate rather than a control agent. When the decision was made to build Florida Atlantic University, Collins worked closely with the Board and with its consultant John Ivey from the Southern Regional Education Board to design a truly

new type of institution. They envisioned a college which would make extensive use of educational technology and would employ distinguished "master teachers" whose instruction would be shared with the other institutions via the technology. The physical plant of Florida Atlantic was actually designed with this role in mind; but when Collins left office, a variety of factors intervened to prohibit the concept from being carried out.[52]

Collins, however, did not see himself as having control over the governing board. Once when a president was being selected for one of the major universities, the Board gave him the files of the two finalists and requested his advice. When he reviewed the materials, he developed an enthusiastic preference for one of the candidates and expressed it to the Board--they hired the other candidate and Collins insisted they acted correctly in following their own best judgement.[53] (It is interesting to note that the Governor's choice soon became the president of a prestigious private institution and is one of the most distinguished educational leaders of the nation.)

When the Supreme Court decision ordering desegregation was issued, Collins urged the Board of Control to act swiftly to desegregate the instituions of higher education. The Board considered his request but decided to wait and follow the path of court action, and the Governor repected their decision.[54]

Collins was succeeded by Farris Bryant (1961-65) and there were early indications that he might take a heavy role in the affairs of higher education. He was heavily involved in the choice of a president for Florida Atlantic; and his man was chosen; but after that he apparently exerted influence only as he made appointments to the Board and made budget recommendations to the legislature.[55]

Perhaps the most visible instance of the involvement of a governor occurred when the Board of Control was replaced by a Board of Regents. Outgoing Governor Bryant appointed nine people to form the new Board; but when his successor Haydon Burns (1965-67) took office, he challenged the action and was upheld by the Supreme Court of Florida. Burns then proceeded to appoint his own Board.

One of Burns campaign promises had been to abolish the tri-mester system. The new Board of Regents did eventually move to a quarter system; and while Burns was not the only voice in this change, his influence must be considered significant since he had named the Board.[56]

Governor Burns was succeeded by Claude Kirk (1967-71) who made several attempts to intervene in the affairs of higher education, but without much success. Governor Kirk supported a candidate for the presidency of the University of Florida, and he was very active on his behalf. When the Board of Regents chose another candidate, Kirk publicly attacked the Board and called for the resignation of the Chair-

man. The Chairman did not resign. Later, Kirk is reported to have attempted to remove the Chancellor but was unsuccessful.[57] Still later, a president was named for Florida International University who was clearly the choice of Governor Kirk. Kirk's support was no doubt helpful, but the Board had previously demonstrated its independence so clearly that it would be difficult to conlude that the Governor's support was the decisive factor.

In sum, even though the members of the governing board of the State University System are appointed by the governor, most modern governors have not attempted to control the board; and in those few instances when they have tended to do so, they have seldom been effective.

The Legislature

The pre-1968 legislatures in Florida were quite limited in their ability to participate in the governance of higher education. The legislature met every two years, and the sessions were limited to sixty days. The committees of the legislature were not organized until after the beginning of the session, and the legislative staff, except for the Clerk, was borrowed from the executive branch or else hired only for the length of the session.[58] The principal result of this organization pattern was that legislation was drafted by the executive branch and the legislature adopted, defeated or modified. Higher education legislation was drafted by

by the Board of Control or in some few cases by the governor.

The governance role which the legislature did play was in terms of appropriations. The institutions prepared asking budgets on a line-item basis, and these were submitted to the State Budget Director who in turn submitted them to the legislature where they were adopted, reduced or modified. The legislature frequently chose to modify, and in this way they made some programmatic decisions. Even this role of fiscal governance was weakened, however, because the legislature found it necessary to empower the State Budget Commission to make budget modifications during the twenty plus months when it was not in session.[59]

Governance Since 1968

In 1968 the people of Florida approved a series of amendments to the 1885 Constitution. Two of the most important in terms of their effect on higher education were (1) the legislative session was changed from a biennial to an annual pattern, and (2) the number of executive departments was limited to 25 except for those constitutionally specified.[60] The essential implication of the two changes was that the governance of higher education moved from a system of "dual control" to a system of "diversified control" by the executive branch and a heavy intensification of supervision by the legislative branch.

The Executive Branch

The 1969 legislature responded to the contitutional restriction on the number of executive agencies by adopting the Executive Reorganization Act. Numerous organizational changes were made by this act, but the one most significant for higher education was that the Board of Regents was placed within the Department of Education and became much more of a state agency than it had been in the past. The regents, therefore, became subject to state regulations in a new way. Two charts developed by the Board staff following the legislative session of 1969 attempted to explain the changed status of the Board. They showed;

The Players
OLD
Legislature
Budget Commission
Budget Director
Board of Regents
Universities

The Players
NEW
Legislature
Governor
Secretary of Administration
Bureau of Planning
Bureau of Budget
State Board of Education
Department of Education
Board of Regents
Universities [61]

It is interesting to note that by 1969 the old "dual control" was perceived by the Board staff in terms of the practical relationship of the Board to the Budget Commission and the Budget Director rather than in terms of the official relationship to the State Board of Education, but the important point is that the staff with some alarm perceived that the Board after reorganization was suddenly subject to the regulations of a host of executive agencies as well as to

the Board of Education and the legislature. Their fears proved to be well grounded, for the executive agencies (and in some cases the legislature itself) moved swiftly to regulate higher education. Indeed, in the view of some, the zeal of the agencies and the legislature exceeded the original intention of reorganization. Chancellor Robert Mautz wrote to Senate Ways and Means Committee Chairman Louis de la Parte in December of 1970 and pointed out that "The necessary centralization of policy making has, however, been accompanied by a concomitant centralization of detailed administration. The law did not require this latter centralization."[62]

In his letter the Chancellor enumerates the "detailed administration" which had developed. Among those items listed were the requirement to move to an annual budget, the inauguration of a planning, program budgeting system, the requirement for a six year budget projection, the move to a career career service program administered by the Department of Administration, the centralization of purchasing and the centralization of the acquisition of data processing equipment.[63]

In addition to the items mentioned by the Chancellor, it evolved that construction, leasing, payroll procedures, insurance, and many other importantfunctions in the administration of higher education were to be regulated no longer simply by the policies of the Board of Regents, but also by the policies and rules of a myriad of state agencies and departments.[64]

Further, in addition to the new treatment of higher education as a state agency like any other state agency, the placement of the Board of Regents within the Department of Education was eventually to lead to new complications for the Board. In 1969 Floyd Christian was the Commissioner of Education and responsible for the Department of Education. Christian had long been in charge of elementary and secondary education, and he had no desire to assume control over higher education.[65] When he was replaced by Ralph Turlington in 1974, however, the situation began to change. Turlington denies that he wanted to control higher education, but he and or his staff did make initial efforts to deal with the Board of Regents as an integral part of the Department of Education. The 1974-75 general office budget of the Board was combined with the Department budget; the Regents budget requests were incorporated into the Department requests; the Regents general office positions, payroll, payroll and personnel records and the financial accounting funtions of the Regents were transferred to the control ofthe Commissioner.[66]

Chancellor Mautz vigoriously objected to these changes declaring that they denied him the "management prerogatives ordinarily accruing to the Board office".[67] The Commissioner agreed to transfer the budget functions of the Board of Regents back to the Board, and on August 15, 1974 a MEMORANDUM FOR THE RECORD was signed by the Associate Commissioner and the Executive Vice Chancellor.[68]

The Board of Regents is still a part of the Department

of Education, but since the 1974 agreement there is little evidence that the Department has sought to exercise much control over the Board. In fact, the Chancellor and the Commissioner are currently engaged in a warm debate over constitutional status for the Board.

In sum, since 1968 higher education in Florida has moved from a system of "dual control" on the part of the executive branch to a system of "diversified control." The Board of Regents remains constitutionally subject to the State Board of Education. By statute it is a part of the State Department of Education and has its present autonomy only as the result of an agreement with the current Commissioner. In practice, it is subject to the rules and regulations of many state boards and agencies.

The Role of The Governor

Reubin Askew was inaugurated the 37th Governor of Florida in January of 1971 and continues in that office today.[69] His role in terms of higher education has been less visible than that of many of his predecessors, but he has been a constant friend of higher education and has given higher education his strong attention while preferring to work through the established channels of state government.[70]

An event in the beginning of his administration may have set the pattern for his later style vis-a-vis the Board of Regents. In 1971 he appointed the GOVERNOR'S CITIZEN

COMMITTEE ON EDUCATION and charged then with studying all levels of education and then making recommendations for improvement.[71] The Committee made its report in 1973, and among the recommendations was the call for the establishment of "a lay board to set policy and coordinate the entire system of public education in Florida. The powers and responsibilities of this board should be statutory and the present State Board of Education should retain its constitutional role."[72] This recommendation was incorporated into the Governor's legislative package, and he worked diligently for its passage. The Board of Regents, on the other hand, worked against the legislation as did representatives of individual universities. The legislation was not adopted. Governor Askew's educational advisor at the time suggests that this opposition and defeat led the Governor to confine his activity on behalf of higher education to working within the system, i.e., budgeting, supporting or opposing legislation and carefully appointing the members of the Board of Regents.[73]

Former Chancelor Robert Mautz held monthly conferences with Governor Askew to keep him informed about the affairs of the State University System,[74] and the State Budget Director reports that in the budget process Governor Askew has been very personally involved in those decisions which affect higher education.[75] Others report their knowledge of the care he uses in selecting Regents, and his role in legislation is well documented.[76] Regents, presidents and the Chancellor agree that he does not contact them individually

to attempt to influence their decisions.

The Budget Process

One of the principal ways in which the executive branch participates in the governance of higher education is through the preparation of the budget which the governor submits to the legislature. The following rather lengthy statement from the State Budget Director describes the budget process in Florida, and it is quoted in its entirety because attempts to summarize proved to be inadequate.

I. MAIN STEPS IN FLORIDA'S BUDGETARY PROCESS:

Florida's budget procedure contains nine significant steps.

A. FORMULATION:

1.PREPARATION OF THE LEGISLATIVE BUDGET REQUEST:

Months before the opening of the legislative session, preparation of legislative budget requests begin with estimates by the agencies of their financial needs for the coming fiscal year. In the case of agencies with complex operations like the University System this may begin a year or more before the opening of the session. Basic policy decisions involved in determining amounts of money to be requested may be reached as early as July or August. During July instructions as to the form in which requests are to be presented are mailed out from the Department of Administration. Some of the smaller agencies may not begin the preparation of their budget requests until September. By November 1 all agency budget requests are due in the budget office. (Ref. Fla. Statute CH. 216.023)

2.ANALYSIS OF THE LEGISLATIVE BUDGET REQUEST:

As soon as requests are received in the budget office, the professional staff of budget analysts makes a thorough analysis of each request. Each analyst has a group of

agencies assigned to him on a continuing basis, so that he begins his analysis with an extensive knowledge of the operations and organization of the agency. He is generally consulted by the agency and staff while the request is being formulated. Copies of the analysis prepared in my office are made available to the agencies, to all members of the Appropriations Committee, and to the Secretary of Administration and the Administration Commission. (Ref. Fla. Statute CH.216.151(2))

3.BUDGET HEARING:

Historically, the Governor has held a series of public hearings on the agencies' requests.(Ref. Fla. Statute CH.216.131)

4.SECRETARY OF ADMINISTRATION'S RECOMMENDATIONS:

The Secretary of Administration assists the Governor in making detailed studies of each state agency and from this makes recommendations to the Governor as to appropriations that should be made for their operation, structural changes in their operations and activities, or other matters which may be revealed by his analysis of the agencies' appropriations and their legislative budget requests. (Ref. Fla. Statute CH.216.151)

5.GOVERNOR'S RECOMMENDATION TO THE LEGISLATURE:

At least thirty days prior to scheduled annual legislative sessions the Governor shall furnish each senator and representative a copy of the recommended budget for each state agency based on his own calculations and judgement. The recommended budget includes the following: (1)State Balance Sheet. (2)Revenue Estimates and Projected Appropriations. (3)Source of Any Additional Revenue Required. (4)The Agencies' Requests for Appropriations, and (5)His Recommendations for Fixed Capital Outlay Appropriation .(Ref. Fla. Statute 216.162)

B. ADOPTION:

6.LEGISLATIVE APPROPRIATION ACT:

Prior to and during the period of the legislative session, the Appropriations Committees hold additional hearings and working sessions with the representatives of the agencies. The House and the Senate prepare appropriation bills that differ in some areas. As a result, passage of the appropriation bills in the two branches of the Legislature must be followed by a conference between House and Senate. When the Conference Committee

reviews the two bills. A conference bill is prepared for passage in each house. Legislative rules provide that the conference bill must be accepted or rejected in toto, not being subject to amendment on the floor, as were the original bills.

While the Appropriations Committees are constructing the appropriation bills, and during the appropriations conference session, a beneficial result of the assistance we render to the legislative committees is the insight it gives us into the "Legislative Intent" Beyond that which is spelled out in words in the Appropriations Acts and in the Intent Statement required by Section 216.181(1), Florida Statutes.

7.GOVERNOR'S APPROVAL:

When the Conference Bill on Appropriations has passed both houses of the Legislature, it is presented to the Governor for his review. The item-veto power of the Governor means that he may strike out any one or more items in the bill before he signs it. He may not add so much as a comma, but he may strike out any item in the bill. When he signs the bill, it is filed with the Secretary of State and becomes a law (the General Appropriations Act).

8.PREPARATION OF AGENCY OPERATING BUDGETS:

As soon as the Appropriation Act has become law, each agency is furnished an operating budget by the Department of Administration-Division of Budget which is consistent with legislative action. If the agencies agree with the operating budget furnished them, they proceed to execute that program(s) for the year. Otherwise, the difference of opinion as to what was included in the appropriation for the agency is reconciled through appropriate consultation. (Ref. Fla. Statute CH.216.192)

9.EXECUTION OF AGENCY OPERATING BUDGETS:

Even after approval of its annual plan of operations, no agency may spend any money until funds are released by the Department of Administration. General revenue appropriations are released quarterly, but the Secretary acts on an agenda each week to handle any unusual items, any changes in approved plans, and any other phases of fiscal management encompassed by budget law.

The Governor has the responsibility of holding expenditures within available funds. The appropriation is not a mandate to spend. It is a maximum authorization. The agency may spend only the amounts released

> by the Department of Administration. If it appears to the Governor that sufficient funds will not be available to meet all appropriations, or if circumstances change so that some amounts are not needed for agency operations, reserves will be set up by the Department of Administration. If necessary, previous releases may be recalled. (Ref. Fla. Statute CH.216.221) [77]

For the State University System the preparation stage involves making policy decisions regarding the inaguration of new programs, the strengthening of continuing programs and the elimination of any existing programs. Enrollment projections are used to justify the request, but the budget is not entirely enrollment driven. The analysis performed by the Department of Administration budget analysts considers policy changes, allows for inflation and cost of improvement, and uses FTE as a measure of work load or producticity.[78]

When the Department of Administration completes the budget analysis, a conference is held with the governor to display the proposed policy and operational changes and the accompanying cost estimates. At this stage the governor makes the principal policy decisions which may express either his preference or his judgement of what is and is not possible in terms of the total request from all agencies and the projected revenue of the state. When the governor's policy decisions differ from the agency requests, conferences are held with agency heads (in the case of the State University System the conference is held with the chancellor); and compromises are sought if that seems appropriate.[79]

The State Budget Director reports that the governor

devotes considerable time to the budget of the State University System and is directly responsible for the final decisions which are presented to the legislature.[80]

When the legislature passes the General Appropriations Act, the agency budget is presented to the Board of Regents; and the Board staff then makes the proposed allocations to the institutions. These proposed allocations are formula based and are increasingly enrollment driven but not completely so. The proposed allocations are presented to various inter-institutional committees, including the council of Presidents, and some modifications are generally made.

Once some consensus is reached among the presidents and the principal board staff, the chancellor presents his recommended budgets to the Board of Regents for adoption or modification. The allocations are then made to the institutions where internal policy decisions are made and budgets are given to the schools, colleges or departments of the institution.[81]

This budget process allows considerable creativity and flexibility for the institutions of the system, but it also provides for extensive control on the part of the governor, the legislature, the chancellor and the Board of Regents. One of the most troublesome aspects of the process, (in addition to insufficent monies) has been the slowness of the procedure. Until 1978 the budgets have been annual with the fiscal year beginning on July 1; but because of the many

stages of the process, the institutions have usually not received their official allocations until mid or late September. When decisions have been made that resulted in appropriations which were less than anticipated, the shortfall was made especially severe since as much as one quarter of the year had passed; and often spending during that quarter had been on the basis of the anticipation. Beginning with the 1978 fiscal year the budgets are to biennial; and this will provide some relief; but the possibilities of modification because of overly optimisitic revenue or enrollment projections remains.[82]

Step nine in the description of the budget process cited above provides that "If necessary, previous releases may be recalled." This provision is required because the constitution of Florida prohibits the extension of the credit of state: and when revenue is less than projected, the Department of Administration has no choice but to recall funds. Such recalls have frequently been made, usually about half way into the fiscal year, and they have obviously been most traumatic for the institutions.

Florida began using FTE type formulas in making budget requests as early as 1958, but the present elaborate system of analysis is the result of the governmental reorganization described earlier.[83] In 1967 and 1968 a State University System budget was presented to the governor and the cabinet, but it was in reality only a combination of the institutions

asking budgets. Beginning in 1969 Chancellor Mautz provided guidelines to the institutions for making their requests, and he and his staff then made revisions and presented the system budget request. Prior to that date the presidents lobbied for their own budgets; but since then the interface with the legislature has been under the direction of the chancellor; and the budget request has been a true system budget.[84]

Centralization of the State University System

Prior to 1969 outsiders were often at a loss to describe the governance of higher education in Florida. Some saw the Board of Control and later the Board of Regents as coordinating boards,[85] but those who looked closely found that both were in fact very much governing boards and at times even management boards. The confusion was perhaps the result of the fact that while the Board itself was very involved in governance and management, the board staff was a coordinating staff. When Robert Mautz became Chancellor he set out to change that relationship.[86]

Mautz saw the system as a state-wide university with the Chancellor as its president and the individual institutions having the autonomy that schools and colleges normally have within a university. Initially there was considerable opposition to this new approach; but Mautz prevailed and today the State University System is highly centralized; and the Chancellor

and the Board staff are heavily involved in governance.[87]

The first major step in the shift of role for the Board staff began in 1968 with the development of a Comprehensive Development Plan (CODE) which assigned particular missions to the several instituions.[88] This master plan was never officially adopted by the Board of Regents, but the staff used it to regulate the establishment of programs and degrees. Later a number of studies were conducted to determine the need and the appropriate location for various professional programs. The Board did act in those cases where new programs or degrees were authorized, but their decisions were usually in compliance with CODE and were substantially framed by the staff.[89]

Gradually the Board staff began to develop information systems and draft polices which resulted in uniform fiscal systems, coordinated data management systems, academic program reviews, and numerous other centralized management functions.[90]

As the Board staff grew in size and expanded its activity in managing higher education, the Board itself became less of a management board and began to address policy issues. A 1975 publication reports the first ten years of the history of the Board of Regents. In describing the policy deliberations of the Board the writer concludes,

> As it dealt with such issues, the Board expanded its capacity to deal with additional ones. Through the decade it

> secured additional statutory authority to govern the universities without political interference. It stripped its agendas of time-consuming trivia. It supplied the central office of the Chancellor with modern management tools for planning and analysis so it could base its decisions of factual information.
> By the end of the 1965-74 decade problems had not receded, but solutions did not arise indiscriminately or as a result of political pressure. As change occurred, it was change by design.[91]

This conclusion may be a bit too rosy, but the general movement toward policy by the Board and the increased capability of the staff to engage in management can certainly be seen.

The individual universities generally welcomed the new role of the Board but resisted the new role of the staff. Former Chancellor Mautz believes that their willingness to accept the standardization of data, the consolidation of budgets, the development of allocation formulae, and the control of program and mission would have been far greater if they had been able to see the new freedom they had in employment and salary decisions. They were, however, unable to appreciate the delegated authority because at the same time the new degree of state agency regulation discussed earlier was severly restricting their freedom in other areas.[92]

The Legislature

Just as the post-1968 era has been marked by a diversification of executive control over higher education, it has also been marked by an intensification of legislative control. At the very beginning of the period, it appeared that legislative involvement might lessen since the shift was made from line-item institutional budgets to lump appropriations to the Board of Regents.[93] This possibility soon disappeared, however, as the legislature began to become ever more involved in the affairs of the State University System. Four factors seem to have caused this intensification of control.

First, the 1968 amendment to the Constitution provided for an annual session of the legislature.[94] From the first, the annual session shifted much of the historic power of the State Budget Commission to the legislature since the need to make interim adjustments to the budgets of state agencies was greatly reduced. Further, the move to an annual session produced the occasion for legislative reform, and the result was a radically different role for the law makers. This shift is described by Allen Morris who wrote:

> The Legislature has been described generally as the lawmaking branch of a State government. In Florida, the Legislature defined its function more precisely in these words from the Executive Reorganization Act of 1969:
>
> "The legislative branch has the broad purpose of determining policies and programs and reviewing program performance."

> Although the physical setting is the same and the rituals--for example the three readings of a bill's title--remain, the Legislature of today bears little resemblance in its internal workings and its philosophy to the Legislature of even a few years ago.[95]

Second, a Constitutional amendment in 1966 required a special fall session of the legislature for the purpose of organizing the two bodies.[96] When these organization sessions met, it was possible to form legislative committees and thus allow the committees time to consider their tasks for several months before the beginning of the regular session. The former constraints of time which had made it difficult for the committees to draft legislation were now removed, and the reliance of the legislature on the excutive branch was greatly lessened.

The advent of annual sessions and the assumption of the broad new policy and program role made it more possible and more necessary for the legislature to become heavily involved in committee activity. This in turn led to the employment of legislative staff, and in a very short time the legislature moved from the position of having almost no staff to that of having hundreds of professional and clerical employees.

For higher education the presence of legislative staff has meant that legislation is no longer drafted by the Board of Regents staff, but rather by the staff of the House Education Committee and the Senate Education Committee (and begin-

ning in the fall of 1978 in the House there will be a Higher Education Committee). The same type of involvement exists in the area of fiscal affairs since the staffs of the House Appropriations Committee and the Senate Ways and Means Committee are very involved in the analysis and modification of the State University System budget request, and are becoming involved in monitoring expenditures.[97]

A third factor contributing to the intensification of legislative involvement with higher education was the result of the U. S. Supreme Court "one-man, one-vote" decision. The resulting reapportionment in Florida shifted the balance of the legislature from one in which the rural northern portions of the State with low population districts were in the majority to one in which the majority came from the populous southern and coastal areas.[98] Prior to reapportionment the leadership of the legislature, often called 'the pork chop gang," tended to be interested in the matters that affected the welfare of their districts; and since all three of the universities were in their districts, higher education was more of a constituency to be cultivated than an agency to monitor. The reapportioned legislature, on the other hand, was interested in extending higher education into other districts;and being less personally involved with the higher education establishment, they were also more inclined to inquire into the management of the enterprise. Further, as vast amounts of money began to be put into higher education,

the legislators sensed the need to insure their constituencies--often far removed from a university--that the monies were well spent.

Finally, Florida has a history of writing legislation that is very specific in nature. (Perhaps this precedent was set by having bills drafted by the executive branch.) This means that more legislation on higher education means more legislative control than might normally be expected since the legislation will probably go beyond broad policy to detailed specifics. For instance, a recent bill affecting the education of veterans not only set the policies, but also actually specified the design and content of the forms to be used.[99]

The post-1968 intensification of legislative control works in several ways. Sometimes there is special legislation aimed directly at higher education. In 1970, for instance, a bill known as the "12 hour law" was passed. This action was intended to require that all faculty have a minimum of 12 classroom contact hours per week. Various modifications of interpretation allowing for advisement, research and other services frustrated the original intent, but for several years the universities were required to endure a cumbersome and sometimes humiliating reporting and justification process. Later legislation instructed the Department of Administration to regulate "dual employment", and this requlation continues.[100]

Other special legislation in recent years has even dealt

with promotion and tenure providing that persons must be evaluated in terms of their assigned responsibilities. Specifically, they cannot be denied promotion or tenure because they have not produced research if their exclusive or almost exclusive assignment has been instructional.[101]

The legislature, of course, has used special legislation to name and establish the new institutions of the state. These institutions have been located in accordance with Board of Regents' recommendations, but it should not be assummed that the final legislative action was passive or perfunctory. Intense competition for institutions inevitably meant intense political activity; and while documentation does not exist, those who observed the scene observed active legislative involvement at every stage from conception to live birth.[102]

A second type of legislative control is the result of legislation regulating state agencies in general. This legislation is not directed to higher education in particular; but since the State University System is now seen as one of many state agencies, the general regulations apply and often in very painful ways. Two recent examples demonstrate the situation and the resulting difficulty.

In 1974 the "Current Administrative Procedure Act" was passed. The intent of the legislation was rooted in the theory that citizens have a right to know the rules of administrative agencies; and since rules and regulation sometimes have the effect of law (they may regulate the ways in which citizens

receive the services provided by the State), the changing of rules and regulations should not be done in an arbitrary or capricious manner. This laudable intent, however, resulted in vast expenditures of time and sizeable expenditures of money for the universities since the legislation was interperted to mean that all rules and regulations (including even the by laws of departments) has to be compiled and their statutory authority cited. The rules then had to be filed with the Secretary of State and made available to the citizens. For some institutions the resulting compilation ran to hundreds of pages.[103]

Further, the law required that if any rule was to be changed, public notice must be given and a hearing held upon request. In addition, challenges could be made by those who believed that rules or regulations had been improperly changed or enforced.[104]

The 1968 amendments to the Constitution provided that the "right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged".[105] In 1969 the Florida Supreme Court determined the word "employees" to be ambiguous, but declared that it would be in order for the legislature to enact legislation enabling public employees to bargain collectively .[106] In 1974 the legislature did pass enabling legislation and established the Florida Public Employees Relations Commission (PERC) to supervise collective bargaining in the public sector.[107]

Again, this legislation was not directed at higher education, but higher education was one of the agencies first affected. In March of 1976 the faculty of the State University System voted in favor of having the United Faculty of Florida as their bargaining agent, and this agent was certified by PERC the following month.[108] Opinions differ on the value or harm of having a faculty union, but there can be no doubt that the existence of a union has already had a profound effect on the style of internal and external governance of the universities.

In this discussion of the effects of general legislation it should be noted that the recent tendency to interpret very strictly two older laws has also affected higher education in significant ways. The public records law, first passed in 1909, has now come to mean that all documents, except personnel evaluations, are open for public inspection.[109] The opportunities for harassment inherent in this climate and the restrictions which such an interpretation places on adverserial situations makes the administration of higher education even more difficult.

The current strict interpretation of the 1967 "Sunshine Law" among other things makes it illegal for two members of the Board of Regents to discuss Board business in private and requires that search committees conduct their business in forums open to the public and the press.[110]

The post-1968 legislatures are not responsible for the passage or the interpretation of these laws; but they have not acted to mend them in ways that would make them less burdensome; so it seems appropriate to conclude that the present interpretations enjoy the sympathy of the legislature.

A third method of control used by the legislature is the appropriation procedure. Lump sum appropriations by category (salaries, OPS, expense, etc.) are allocated to the Board of Regents, and on the surface it appears that little restraint is exercised except over amounts. This is not the case, however, for the final appropriation bill which is published and which guides the expenditure of funds includes "proviso language" and a "letter of legislative intent". The "letter of legislative intent" is the product of the legislative leadership and members of the legislative staff and is normally written after the legislative session. Both the proviso language and the letters of intent are intended to express the consensus of the legislature regarding priorities and items of special interest and concern, and both result in the specific control of expenditures in many categories.[111]

A few examples from the dozens of instructions promulgated each year will hopefully show the style and the extent of this control mechanism. As early as 1975 the legislature became concerned about the extent of graduate education that

was developing and feared that it was growing at the expense of undergraduate education. (Also, two facts indicate the possibility that political factors may have intervened. First, most of the graduate education was at universities in the less populated areas of the state and most of the legislature was from other districts. Second, the community college system blankets the entire state and in the developing FTE war did not welcome the competetion of those universities with lower divisions.)

In reponse to the concern and interest of the legislature, the letter of legislative intent provided:

> IT IS THE INTENT OF THE LEGISLATURE THAT THE ORDER OF PRIORITY FOR PROVIDING RESOURCES FOR PROGRAMS IN THE STATE UNIVERSITY SYSTEM SHALL BE AS FOLLOWS:
>
> 1. UPPER LEVEL UNDERGRADUATE
> 2. LOWER LEVEL UNDERGRADUATE
> 3. MASTERS LEVEL GRADUATE
> 4. DOCTORAL LEVEL GRADUATE
> 5. ALL REMAINING PROGRAMS
>
> IT IS FURTHER THE INTENT OF THE LEGISLATURE THAT ADEQUATE RESOURCES SHALL BE PROVIDED TO INSURE HIGH QUALITY IN EACH PROGRAM BEGINNING WITH THE FIRST HIGHEST

PRIORITY PROGRAM AND PROCEEDING THROUGH
EACH NEXT HIGHEST PRIORITY PROGRAM TO
THE EXTENT THAT RESOURCES ARE AVAILABLE.[112]

The 1975 proviso language called for the Board of Regents to develop a program for calculating cost by level and discipline, and among many other provisions instructed the Board to allocate specified amounts of money to the Solar Energy Center, The FSU law library and the Mote Marine Laboratory for its red tide research program.[113]

Among the mandates in the 1976 appropriations were two which dealt with salaries. The first declared that

IT IS THE INTENT OF THE LEGISLATURE
THAT THE FLORIDA STATE UNIVERSITY LAW
SCHOOL MAY EQUALIZE SALARIES WITHIN
FUNDS PROVIDED FOR SALARIES.[114]

The second provided that each university should conduct studies of salary inequity to determine before December 1, 1976

WHICH FEMALE FACULTY SHALL RECEIVE
INCREASES AND THE AMOUNT OF ANY SUCH
INCREASES. ALL SUCH INCREASES SHALL
BE RETROACTIVE TO THE FIRST PAY PER-
IOD IN THE FALL 1976 QUARTER.[115]

The legislature did not provide special funds for these raises; and since the Florida State University Law School salaries were lower than those at the University of Florida and since many female salaries were found to be lower than those of male counterparts, a sizeable amount of scarce raise money was used to adjust the salaries of a minority of the faculty.

A final tool used by the legislature to work its will is that of intimidation. In the fall of 1978 the catalogues of the several state universities and those of the public community colleges contained a new and uniform set of course numbers.[116] This new system was the result of several years of work and much anguish on the part of numerous faculty task forces who had wrestled with which course taught at institution "A" is comparable to which course taught at institution "B". The rather elaborate product that was finally created theoretically allows a person to determine that the course prefix not only shows level and discipline, but also demonstrates the possibility of inter-institutional transfer at various levels.

The Common Course Numbering System, however, was not the dream born of faculty cooperation and innovation -- it was the result of intimidation by the legislature which out of its interest in articulation within the state told the Chancellor that if the faculty did not develop such a system, the legislature would; and the Chancellor repeated the message to the Presidents.[117] The legislature did not pass specific legislation, but for several years the proviso language reminded the Board of Regents that the completion of the common course numbering system was a high priority of the legislature.[118]

Two other examples show not only the force of legislative threats but also illustrate the general complexity of governance. In 1974 a man who had been acting in a senior administrative role at one of the universities failed to receive the

permanent appointment to that post. A few months later the former administrator became an influential staff director for one of the legislative committees, and in a very short time the higher education leaders discovered that the legislative committee was drafting a bill to provide for the evaluation of university presidents at the end of five years of service. The Chancellor persuaded the committee chairman that if the legislature would not act in this manner, the Regents would establish a presidential evaluation of their own. Subsequently the Board began the reviews--in public--and while only one evaluation of the first three was truly critical, all three of the presidents who were subjected to the process have resigned.

Finally, in 1978 state senator Jack Gordon became concerned over the fact that many citizens who apply for admission to graduate school are denied admission but do not know why they were denied. He began to discuss legislation that would require the universities to inform in writing all applicants for graduate programs who were rejected the reason for their rejection. Fearing that legislation would create more of a nightmare than would be necessary to address Senator Gordon's concern, the Chancellor again promised that if the legislature would not act, the Board of Regents would. Consequently, the Board adopted a policy which it believed could be administered and placed it before the State Board of Education as required by law--and the Board of Education exercised

its one remaining power and vetoed the policy.[119]

In sum, the 1969 decision of the legislature to become a body which would have the "broad purpose of determining policies and programs and reviewing program performance" has been accomplished, and for higher education it has resulted in a degree of legislative control that in the view of some exceeds the former control exercised by the use of the line-item budget.

Reaction to Diversification and Intensification

The diversification of executive branch control and the intensification of legislative control since 1968 has evoked at least three reactions on the part of higher education in Florida. First, in order to cope with the changed environment, the Board of Regents has moved to the development of a legislative program which is well conceived and enthusiastically lobbied with the legislature. The program has two essential elements, one of which addresses the executive control and the other which seeks to capitalize on the legislative interest.

Increasing frustration over the degree of regulation by the various executive agencies caused the Board of Regents to begin to develop a legislative package which it called a Management Improvement Program. Since the various kinds of agency control were usually the result of statutory

authorization, the Board set out to amend the legislation and thus use the legislature to lessen the extent of executive control. The 1978 Management Improvement Program sought relief on such matters as printing regulations, competitive bid procedures, leasing procedures, travel and per diem restrictions, revolving fund reports, risk management policies, fee deferral authorizations and surplus property disposal. The normal argument being that present restrictive policies require too much time and too much paperwork, relief was, therefore, sought in order to create more efficient management.[120]

The Management Improvement Program has been quite successful with the legislature. It provides opportunity for the legislature to have the involvement in the matters of higher education which it desires, but at the same time it allows the Board to frame legislation which will relieve it of many time consuming regulations--all in the name of efficiency and cost reduction. The best evidence of the success of this reaction in addition to the relief that has been received is that on November 2, 1976 the Governor and the Cabinet passed a resolution commending the effort of the Board in the area of management improvement.[121]

The Board has also responded to the increased control of the legislature by adapting many of its requests to the new legislative style. In what appears to be an "If you can't lick 'em, join 'em" approach, the Board has reversed the "proviso language-legislative intent" technique and has

started to ask for specific amounts of money for specific purposes. The specific requests are defended as separate needs of the universities or as special opportunities for service for the state. This approach has been warmly received by the legislature, and in 1978 the published appropriations act stated that the following special allocations were matters of legislative intent:

University of Florida - Engineering
$500,000

Florida State University - Policy Science
$400,000

Florida A & M University - Architecture
$100,000

University of South Florida - Marine Sciences
$375,000

Florida Atlantic University - Exceptional Student Education
$100,000

University of West Florida - Coastal Zone Management
$100,000

Florida Technological University - International Banking and Commerce
$175,000

University of North Florida - Transportation and Logistics
$75,000

[122]

The approach sometimes failed, of course, because the line following the above authorizations states that " IT IS THE LEGISLATIVE INTENT THAT NO FUNDS ARE PROVIDED FOR FIU-WATER QUALITY PROGRAM IN ITEMS 399-402. " [123] Generally however, the idea of special projects has received so much support that it will probably be the basic method of soliciting funding

for the next few years. Some twenty million dollars have been obtained for the libraries of the universities in the last two years by using this method, and some programs have been consistently funded in this way for several years.[124]

A final way in which the Board of Regents has responded to the new types of control has been its decision to "go to the people" in a variety of ways. Soon after after E.T. York was named Chancellor in 1975, he worked with each university to establish for each a Board of Advisors. These boards, comprised of prominent citizens, were envisioned as advocate bodies as well as advisory ones; and they have been of some help in influencing the legislature especially in cases where they were able to persuade the legislature not to take certain actions that might have been harmful to higher education.[125]

In 1976 - 77 the Chancellor and the presidents held a series of town meetings around the state to describe the need for additional funds.[126] These "Reports to the People" did not result in any massive increase in funding, but they did call the condition of higher education to the attention of the public. The funding increases of 1977 and 1978 represented the first real dollar increases in several years,and the "Reports to the People" may have been a significant factor in their generation.

At the present time the most dramatic instance of going to the people is under way. The State Constitutional Revision Commission has proposed, at the urging of the Board, that the

Board of Regents receive constitutional status. The far-reaching amendment would give the nine member Board of Regents full authority over the educational policy of the State University System and would subject it only to general law and the coordination of the State Board of Education (which would become a lay board under other proposed amendments).[127] The people will vote on this and other amendments in November 1978; and if it passes, it is believed that the Board of Regents will have the autonomy and insulation enjoyed by the California Board.

New Actors in the Arena

During the 1970's several new actors have appeared in the higher education arena of Florida. Their appearance is due in part to the increase in legislative activity because each has become heavily involved in attempting to influence the legislature. The role of the Independent Colleges and Universities of Florida (ICUF) has already been discussed, but it is appropriate to note that they are planning a fall 1978 conference which will be the kick-off for their 1979 legislative program--a program aimed at securing additional state funds for private higher education.[128]

In addition, the United Faculty of Florida (UFF) is already at work on its legislative program and is now attempting to join forces with the American Federation of Teachers,

the United Community College Faculty of Florida and the United Faculty of St. Leo College in order to increase their effectiveness.[129] To date, the UFF has been more effective with the Board of Regents than with the legislature, but a united approach might be very effective.

One of the principal changes that has resulted from the union bargining went into effect in 1978. Minimum salaries by rank were established for the first time; and in the view of UFF, "These minimum salaries represent a first step toward the development and implementation of a salary structure for all employees."[130]

The existence of the union has had a negative effect with the legislature in at least one area. One of the few blessings of the austerity of 1975 and 1976 was that the legislature gave the Board its allocation in a lump sum without restricting it to salary, expense and OPS categories.[131] This flexibility had been sought for years and made it possible to survive in those austere days. The category restrictions were restored in 1977. Some claim they were restored because the universities had misused the privilege which had been granted; but some observe that without restrictions on the total amount to be used for salaries, the Board would have been at a great disadvantage in barganing with the UFF over faculty compensation.[132]

Another newcomer to the task of influencing the legislature is the student. Following the activism of the 1960's

the students in the State University System began to work for change by using more conventional methods. Their first big success came in 1974 when they persuaded the legislature to provide that the Student Activity and Service Fee should be placed under the control of the student government associations.[133] This proposal was vigorously opposed by the Board staff and by instutional administrations, but the students won. Today at the larger universities the student governments each administer over one million dollars annually, and the university president controls student activity fee budget only if he chooses to veto the entire budget or if he chooses to make adjustments to the two categories of inter-collegiate athletics and health services.

In 1977 the students, now organized into the Florida Student Association, were successful in obtaining an amendment to the statutes which provided for a non-voting student member of the board. They were not totally satisfied with this status, however; and in 1978 they persuaded the legislature to grant a vote to the student regent. Further, it is important to note that on several occasions the Board of Regents has solicited and received the help of the students in lobbying for or agianst legislation which the Board sought or feared.[134]

The Future

The proliferation of variables in our society makes it impossible to predict the furture with much hope of accuracy; but an examination of current conditions which, without the injection of some new elements, are apt to be intensified leads to some conclusions about which one can expect for higher education in Florida for the furture.

First, unless the Board of Regents does gain constitutional status, there is little reason to believe that legislative control will be reduced. Indeed, the creation of a separate Higher Education Committee in the House of Representatives would seem to indicate the intention to give even more attention to higher education.

Second, the success of special interest groups in influencing the legislature in regard to higher education will probably lead other groups to do the same. In 1975 during a discussion of the perils of having special funds marked for legal education, an attorney prominent in the state remarked that, "If other professions or groups gain the political clout of the legal profession, they can get special funding for their educational interest."[135] He appears to have been correct. For example, those lobbying for tuition free education for persons over 65 were narrowly defeated in the 1978 legislature; and most observers believe they will be successful in 1979.

The danger in such special interest legislation is the same as the danger which is risked when the Board bases its requests for increased appropiations on the need to fund special projects or programs. The legislature may mandate the funding of the special item; but as it has done in the past, it might not provide concomitant additional funds; so the"special" may only become a special instruction to spend and thus reduce funds available for other items.

Third, there seems little indication that the present competition among the various sectors of higher education will not increase. The ICUF institutions, the community colleges and the state universities are all seeking additional funds, and the tendency to justify or advocate their need at the expense of the others may lead to the frustration of all. If the 1202 Commission or some other group could coordinate the efforts, they might be successful; but such coordination would involve some restraints on all groups which none, as yet, seems willing to accept.

136

Within the State University System there are currently some trends which, if unchecked, will lead to a blurring of institutional identity. Several new research centers are system research centers. The housekeeping of these centers is located within a given institution, but the research is not necessarily tied to the instruction of that or any institution. In addition, a number of instructional programs leading to degrees are now offered cooperatively by two institutions within the system. No value judgement is intended by reporting these activities, but it seems logical to conclude that a

continued expansion of such programs will make it difficult to preserve the identity of an individual institution. [137]

The State Board of Education is under a mandate from the Department of Health, Education, and Welfare to preserve and enhance the quality of the Florida Agricultural and Mechanical University. This comes at a time when growth is very slow, and so the only way to meet the mandate seems to be to transfer programs from other institutions to FAMU. This is being done at present. The general morale of the faculty in those units affected and the morale of their colleagues is seriously low. It is not likely, however, that the requirements of HEW will be satisfied by the few transfers which have been made.[138]

The University of Florida and The Florida State University have been the graduate and research universities of the sytem. CODE preserved that role for them; but in the recent role and scope considerations of the Board of Regents, a proposal which would have continued that role into the future was removed from the policy statement by action of the Board.[139] The public claim was that the statement was not necessary, but some see it as a sign that the Board is yielding to the popular interest in developing the newer urban-based institutions at the expense of the older institutions.

When the absence of policy restrictions which designate Florida and Florida State as the principal graduate and research

centers of the sytem is placed in the context of union efforts to set a salary structure plus the existence of an "urban coalition" in the legislature, it seems inevitable that these two institutions will not continue to receive the favorable treatment which has preserved their present superior status. Further, in spite of a current campaign to raise the quality of higher education in Florida, there are few who believe that Florida needs or can support nine high quality, comprehensive universities. Most observers believe that the "leveling" which is now taking place will result in uniform mediocrity.

Between nine and sixteen thousand senior citizens move to Florida each month, and it is estimated that by 1999 as much as 40% of the population of the state will be over 65. These older citizens are becoming politically active. For example, in 1978 the division of Health and Rehabilitative Services joined with the League of Women Voters in sponsoring a "Silver Haired Legislature" in which hundreds of older citizens gathered to discuss and advocate policies to improve the lives of older citizens.

Traditional higher education is not a high priority of these older citizens. Their educational loyalties, if any, are to institutions in other states, and the universities in Florida are doing almost nothing to serve them. If this condition is intensified, it will be ever more difficult to secure funds for higher education in Florida.

Finally, not infrequently in Florida, a Federal policy inspires a State policy which inspires a State Universiy System policy and sometimes even an institutional policy, each somewhat more restrictive than the former. This is the case of employee rights and in some other areas. These policies have had tremendous effects on the nature of the institutions of higher education.

Recently a former president of one of the Florida public universities was discussing a report which calls for more funds to improve the quality of higher education in the state. This man, whose life has been devoted to excellence in education, observed with great sadness that money alone would not begin to solve the problem. He pointed out that our present inability to fire the incompetent would prevent us from securing new stars in the academy because the stars would not want to be identified with the protected failures.

If that is true, then realizing even the most optimistic hopes for improved funding may not improve higher education because improvement depends on hiring and firing as well as on the setting of salaries.

Hopefully, these gloomy forecasts will not prove to be correct. Constitutional status or some other insulation for the Board of Regents is always a possibility. The tide of special interest can perhaps be turned. Funds could be allocated responsibly on something other than an enrollment driven formula, and this would reduce competition and make it easier

to protect the investment in quality which has been made at Florida and Florida State.

Some creative approach to enhancing the quality of FAMU without transferring programs from other institutions may be discovered, and the universities could become responsive enough to the elderly that the elderly see them as valuable in their lives. Florida could decide that it could stand more taxes--at present there is a 4% sales tax, a modest corporate income tax and no personal income tax. All that is needed is creative, heroic leadership and a minor miracle.